

REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action in view of the foregoing amendments and following remarks.

Claims 1-21 remain pending, with claim 1 being the only independent claim. Claims 3 and 5 have been cancelled without prejudice or disclaimer of subject matter. Claim 1 has been amended. Support for the amendment can be found throughout the originally-filed disclosure, including, for example, in the originally-filed claims. Accordingly, Applicants submit that the amendment does not include new matter.

Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brizendine et al. (U.S. Patent No. 6,484,147) in view of Scroggie et al. (U.S. Patent No. 5,970,469).

Applicants respectfully traverse the rejection. Nevertheless, without conceding the propriety of the rejection, in order to expedite prosecution independent claim 1 has been amended to clarify certain features of the invention not suggested by Brizendine et al. and Scroggie et al. To this end, Applicants submit that the claimed invention is patentably distinguishable from the cited references for at least the following reasons.

Amended independent claim 1 recites a method for facilitating a transfer of loyalty points between at least two accounts. The method includes, inter alia, receiving a transfer request at the computer to transfer a number of geographic area loyalty points from a first loyalty account to at least a second loyalty account. The claimed method is such that the step of receiving a request includes receiving a request based upon a triggering event, wherein the triggering event includes at least one of said first loyalty account having geographic area, a loyalty point balance which is at least one of above and below a certain threshold amount, said first loyalty account remaining

inactive for a certain time period, a predetermined time period, a certain date, a random date, a requested time, a certain formula, an event, a non-event, and a predetermined data point.

The Office Action cites Brizendine et al. as disclosing features of the invention. In particular, with respect to previously-pending independent claim 5, the Office Action cites to col. 6, lines 59-64 as Brizendine et al. as disclosing that after a certain time period, a loyalty account (in the form of card 124) becomes invalid.

Applicants do not dispute the Office Action's finding that Brizendine et al. discloses that the card 124 becomes invalid after a certain time period. Applicants submit, however, that this fails to anticipate or suggest a "triggering event" that results in the transfer of a number of geographic area loyalty points from a first loyalty account to at least a second loyalty account, as recited in amended independent claim 1. Brizendine et al.'s disclosure that the card has an expiration date falls short of suggesting the loyalty points would be transferred to a second account. In fact, it would appear that the most logical step after the card account is closed would be to return any assets in the account to the account holder. Transferring a balance to another account holder would appear to require at least significant modifications to Brizendine et al. that are not disclosed or suggested in the reference. Thus, Applicants submit that Brizendine et al. cannot be understood to disclose or suggest the combination of features recited in amended independent claim 1.

Applicants further submit that the secondary citation to Scroggie et al. fails to cure the deficiencies of Brizendine et al. Scroggie et al. is cited in the Office Action disclosing a system wherein a user is required to enter his or her zip code in order to receive location-dependent offers. Applicants submit, however, that Scroggie et al. fails to disclose or suggest the features of amended independent claim 1 that are not found in Brizendine et al., as described above.

Thus, for at least the foregoing reasons, Applicants submit that Brizendine et al. and Scroggie et al. fail to disclose or suggest the combination of features recited in amended independent claim 1.

The dependent claims also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in the independent claims. Applicant requests further individual consideration of these dependent claims.

Applicants submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the Office Action, and a Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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